

DRACUT ZONING BOARD OF APPEALS

Meeting Minutes of September 19, 2013 at 7:00 p.m. @ Harmony Hall, 1660 Lakeview Avenue, Dracut.

Continued BOA 2005-13 @ 341 Broadway Road – Comprehensive Permit for 278 rental units with 4 buildings. Petitioner: First Dracut Development, LLC.

Chairman Crowley noted that paperwork for succession, ownership and rights of the property and a letter from DHCD was to be submitted to Town Counsel for review to see if this is still a legitimate application. Chairman Crowley spoke with Town Counsel last week and he had not received anything. He also spoke with Mr. Lania yesterday and today and the paperwork has not been finalized yet. They have been working on the print and design, but at the Board's request they cannot appear again before the Board unless the information requested has been submitted and reviewed by Town Counsel.

Chairman Crowley read a letter from Mr. Lania dated September 18, 2013 requesting a continuance to the October meeting so that the information regarding the legality of the entity for the projects LLC can be submitted to Attorney Hall's office for his review and opinion so that they can proceed with the project's submissions and reviews.

A motion to continue to the October 17, 2013 meeting was made by Mr. Mallory and seconded by Mr. Pagones. The Board voted unanimously to continue.

2013-6 @ 665 Nashua Road – Special Permit pursuant to Section 2.16.26(1) of the Dracut Zoning By-Laws to reestablish the protected status of an abandoned or unused nonconforming use of structure. Petitioner: Paul Mercier.

Chairman Crowley informed the petitioner that there are only four (4) members present this evening and if a vote was being requested you would need all four (4) members voting in favor. Mr. Mercier stated he wishes to proceed with the Board as is.

Chairman Crowley opened the meeting and signed in a set of prints drawn by James D. Aho, Professional Land Surveyor dated 7/23/13.

Mr. Mercier stated he has a house that has been abandoned for more than two (2) years and needs to get a Special Permit. He would like to tear down the existing house and rebuild something new. Chairman Crowley asked if it would be built on the same footprint as the existing home. Mr. Mercier stated he would actually like to build it smaller, but would be no larger than what is there now.

Mr. Hamilton asked what was on the property now. The Assessor's sheet was passed around that shows a photo of the property. Mr. Mercier stated the property was taken by an Appointed Receiver for the state and he purchased it from them.

Mr. Mallory noted the print submitted did not show the Locus Map. It was also noted that the Table of Dimensions was not shown. Even though these two items are not needed in this case, it is a requirement for the application submission. Chairman Crowley noted for the record that the submission was deficient in that there was no Table of Dimensions or Locus Map on the print.

Abutters: Who came forward in favor or in opposition?

None.

A motion to close was made by Mr. Scott Mallory and seconded by Mr. Michael Pagones. The Board voted unanimously to close.

A motion to approve the Special Permit was made by Mr. Stephen Hamilton and seconded by Mr. Scott Mallory. The Board notes the petitioner meets the intent of the representative and selective Special Permit and can be granted the permit without any derogation of the by-laws or injurious to the neighborhood. The Board voted unanimously to approve.

Acceptance of Minutes:

A motion to accept the June 27, 2013 minutes was made by Mr. Michael Pagones and seconded by Mr. Scott Mallory. The Board voted unanimously to accept the minutes.

New Business:

Chairman Crowley informed the members that the Economic Development Committee will need a replacement for Ms. Hakkila from the Board. He asked that all members give it some thought and let him know if anyone is interested.

An Update on House Bill 1859 – Major Mass Land Use and Zoning Law Changes from Massachusetts Real Estate Law and Development News was passed out.

An article on Washington's "Fair Housing" Assault on Local Zoning dated September 5, 2013 was passed out.

Next Meeting:

Thursday, October 17, 2013

Adjournment:

A motion to adjourn was made by Mr. Stephen Hamilton and seconded by Mr. Michael Pagones. The Board voted unanimously to adjourn.

Board of Appeals Members

_____ Chairman, John Crowley	_____ Vice Chairman, Stephen Hamilton
_____ Clerk, R. Scott Mallory	<u>Absent</u> _____ Member, David Meli
<u>Absent</u> _____ Alt. Member, Heather Santiago- Hutchings	_____ Alt. Member, Michael Pagones